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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,834	11/13/2003	Masato Koike	Q78411	7842
23373	7590	07/25/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			PATTERSON, MARC A	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/705,834

Applicant(s)

KOIKE ET AL.

Examiner

Marc A. Patterson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/13/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date, ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanamori et al (WO 02/083789).

With regard to Claim 1, Kanamori et al discloses (U.S. Patent No. 6,894,227 B2 is used as a translation) a wire coated by a wire protective composition (a wire characterized in that a conductor is coated with an insulating material, therefore a protective composition; column 2, lines 35 – 38); the wire also extends into a braid shield, as shown in Figure 3, and the coating is therefore open ended and therefore forms a tubular shape and is therefore a tube; the composition comprises; A) a mixture comprising a microblend and a modified microblend, wherein the microblend comprises from 1 to 70% by weight of polypropylene and from 99 to 30% by weight of propylene / ethylene random copolymer comprising from 15 – 50% by mole of ethylene unit and from 85 to 50% by mole of propylene unit, wherein a component eluted in the temperature range of from –40 degrees Celsius to less than 20 degrees Celsius is included in an amount of from 20 to 80% by weight, a component eluted in the temperature range of from 20 degrees Celsius to less than 100 degrees Celsius is included in an amount of from 10 to 70% by weight, and a component eluted at 100 degrees Celsius or higher is included in an amount of from 1 to 40% by weight according to the temperature – rising elution fractionation method using o –

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dichlorobenzene as a solvent, wherein the content of a component eluted in the temperature range of from -40 degrees Celsius to 30 degrees Celsius is from 10 to 90% by weight based on all the components according to the temperature - rising elution fraction method using o - dibromobenzene as a solvent, and wherein the modified microblend comprises the microblend and organic groups bonded thereto, wherein the amount of the organic groups is from 0.01 to 1 mmol based on 1 g of the sum of the microblend and the modified microblend; B) from 0 to 700 parts by weight of a polypropylene based on 100 parts by weight of the mixture, and C) from 5 to 200 parts by weight of an ionically crosslinking filler based on 100 parts by weight of the sum of of A) and B), wherein the resin composition has a flexural modulus of 2,000 MPa or lower (column 2, lines 35 - 67; column 3, lines 1 - 5).

With regard to Claim 2, the mixture disclosed by Kanamori et al comprises the microblend in an amount of from 10 to 90% by weight and the modified microblend in an amount of from 90 to 10% by weight (column 24, lines 4 - 8).

With regard to Claim 3, the composition disclosed by Kanamori et al contains gel in an amount of 10 to 80% by weight (column 24, lines 11 - 14).

With regard to Claim 4, the ionically crosslinked filler disclosed by Kanamori et al is magnesium hydroxide (column 24, lines 15 - 16).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497. The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marc Patterson 7/20/05

Marc A. Patterson, PhD.
Examiner
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